

ORDINANCE NO. A03-2

**AN ORDINANCE RELATING TO
MAINTAINING OF DANGEROUS BUILDINGS
WITHIN TOWN OF BRIDGEVILLE**

WHEREAS, the Commissioners of Bridgeville have the power to prevent the introduction of nuisances affecting the Town and to provide for the safety of its citizens and prescribe the materials of buildings and the mode of erecting the same within the Town; and

WHEREAS, the Commissioners of Bridgeville are desirous of establishing an ordinance to prevent the maintaining of dangerous buildings on any property located in the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF BRIDGEVILLE;

Section 1. The maintaining of dangerous buildings on any property located within the corporate limits of Bridgeville, which constitute a serious hazard to life and property, shall be and is hereby declared to be common and public nuisance.

Section 2. Definitions. As used in this ordinance, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Dangerous Buildings: Any building, structure or portion thereof, which threatens The life, health, safety or property of the public or its occupants by reason of Inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment shall be deemed a "Dangerous Building." The conditions that may cause a structure to be classified as a "Dangerous Building" include, but are not limited to, any one or combination of the following conditions.

(A) The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as not to provide a safe and adequate means of exit in case of fire or panic;

(B) Any portion, member of appurtenance of the building or structure which has been damaged by fire, earthquake, wind, flood or by another cause, to such an extent that it is likely to partially or completely collapse, fail, detach or dislodge;

(C) The building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; or (ii) faulty construction, or (iii) the

removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially completely collapse;

(D) The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children, or a harbor for transients, vagrants, or criminals;

(E) The building or structure, used or intended to be used for dwelling purposes, is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or other cause.

(F) The building or structure creates a fire hazard by virtue of its obsolescence, dilapidated condition, deterioration, damage, inadequate exiting, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause;

(G) The building or structure constitutes a public nuisance as defined by law:

(H) Any portion of the building, including the foundation and slab or grade, or structure remains on a site after the demolition or destruction of the building or structure;

(I) The exits of the building or means of exiting do not conform with the applicable city ordinances regarding the number of exits or any other feature which may cause a hazard to life or safety of the occupants or general public;

(J) Defective or overloaded electrical systems, faulty or leaking fuel piping systems, or deteriorated fuel combustion equipment or combustion product vents;

(K) The existing use or occupancy violates the fire, health or building regulations of applicable Town ordinances...

Section 3. The Commissioners shall, upon complaint from two (2) or more Residents of Bridgeville, adopt a resolution appointing a Dangerous Building Inspection Committee consisting of not less than three (3) members, at least two (2) of whom shall be elected members of the Commissioners. One (1) of the elected members so appointed Shall be designated as Chairman of the Committee.

Section 4. Whenever the Commissioners receive any information that a building located within the corporate limits of Bridgeville is a serious hazard to life and property,

President of Commissioners shall direct the Dangerous Building Inspection Committee to investigate and determine whether the building is a serious hazard to life and property.

Section 5. The Dangerous Building Inspection Committee shall proceed to make its investigation and shall make a report to the Commissioner, not later than thirty (30) days after having been directed to make an investigation, setting forth in writing its findings and conclusions concerning the building.

Section 6. If the Dangerous Building Inspection Committee concludes following the investigation that the building is a serious hazard to life and property, the Commissioners shall cause a notice to be directed to the owner of the building at their last known address. The notice shall set forth the findings and conclusions of the Dangerous Building Inspection Committee. It shall set a time and place for a public hearing before the Commissioners to afford the interested parties an opportunity to show cause why the building investigated by the Dangerous Building Inspection Committee should not be declared to be a hazard to life and property and why it should not be ordered to be demolished.

Notice shall be given pursuant to this section by certified or registered mail with return receipt requested at least twenty (20) days prior to the date of the hearing. If notice by mail is unsuccessful, notice may then be accomplished by posting a copy of the notice in placard form in a conspicuous place on the premises at least ten (10) days prior to the date of the hearing and by publication of such notice in a newspaper of general circulation in Bridgeville for at least two consecutive weeks prior to the date of the hearing.

Section 7. At the public hearing, the owner of the building shall be permitted to present evidence why the building should not be declared to be a common and public nuisance and why they should not be required to abate the dangerous conditions found by the Dangerous Building Inspection Committee.

Section 8. Following the hearing and presentation of any evidence by the owner, the Commissioners shall issue its findings and conclusions concerning the building. If it is found that the building constitutes a hazard to life and property but that measures may be taken to remove the dangerous conditions and render the building safe, the findings and conclusions shall specify what measures shall be taken to correct the conditions and shall specify a time limit within which the corrective measures shall be taken.

Section 9. If it is found, following the hearing, that conditions render the building a hazard to life and property and that no corrective measures may be taken to abate the conditions and render the building safe, the building shall be declared by the Commissioners to be a common and public nuisance, and its demolition by a certain date shall be ordered.

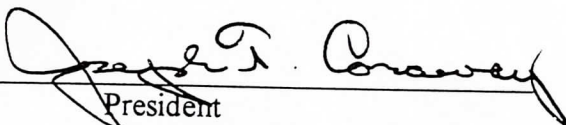
Section 10. Whenever the owner of a property fails to comply with the order issued by the Commissioners within the time prescribed, the Commissioners shall authorize the Town Solicitor to file suit in a court of competent jurisdiction to obtain the necessary order to enforce the directions of the Commissioners or to have the building demolished at the cost and expense of the owner. The cost of the razing and removal of such building or structure shall become a tax lien pursuant to 25 Del. C. Chapter 29.

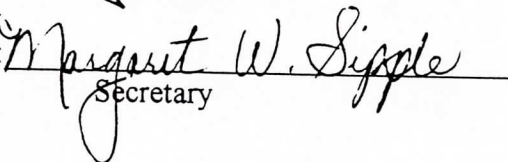
Section 11. Any person affected by an order issued by the Commissioners pursuant to this ordinance may, within thirty (30) days after service of such order, apply to a court of competent jurisdiction to appeal such order or seek an injunction restraining the Commissioners from razing the structure.

Section 12. Repeal Bridgeville Code Section 102-1 and 102-2 relating to the adoption of the Standard Code of the Elimination or Repair of Unsafe Buildings, 1982 Edition, and liens for razing or demolition of structures.

Section 13. This ordinance shall become effective upon its adoption by a majority of all members elected to the Commissioners.

COMMISSIONERS OF BRIDGEVILLE

BY: 
President

Attest: 
Secretary

First Reading: 2/10/03

Second Reading: 3/10/03

Adopted: 3/10/03